

REMARKS

Claims 1-38, 40-49, 51-60 and 62-75 are pending in the present application. Claims 1-37 were previously withdrawn. Claims 38, 40-49 and 51-75 are rejected. Claims 39 and 50 were previously cancelled and claim 61 is cancelled herein. Claims 38, 53, 62 and 63 have been amended. No new matter has been added. Applicant respectfully requests reconsideration of the claims in view of the following remarks.

The specification is amended herein to reflect the priority claim to U. S. Provisional Application Serial No. 60/424,154, filed August 11, 2003. This priority claim was properly made when the present application was filed non provisionally as indicated on the filing receipt for the present application mailed 6/03/2004; and therefore no new matter is entered.

The specification is further amended to correct a spelling error, as is claim 62. No new matter is entered.

Claim 53 is objected to due to informalities and has been amended herein in view of the Examiner's remarks. Reconsideration and withdrawal of the objection is requested.

Claims 38, 40-47, 56, 57, 59, 63-66, 72, and 74 have been rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by Fukuda (U.S. Patent No. 5,715,039, hereinafter "Fukuda "). This rejection is hereby respectfully traversed.

Claims 38 and 63 are independent method claims which are amended herein to recite elements not shown, taught or suggested by Fukuda, specifically subsequently developing the photoresist layer. As the claims now recite elements not disclosed in the relied upon prior art, the claims are allowable under 35 U.S.C. §102. Accordingly, reconsideration and allowance are respectfully requested.

Claims 40-47, 56, 57, 59 are dependent claims that depend from and incorporate additional elements on the method of Claim 38, and are therefore also allowable over the Fukuda reference. Reconsideration and allowance are respectfully requested.

Claims 64-66, 72, and 74 depend from and incorporate additional elements on the method of Claim 63, and are therefore also allowable over the Fukuda reference. Reconsideration and allowance are respectfully requested.

Claims 38, 40-47, 56, 57, 59, 63-66, and 74 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Rostalski (U.S. Patent Publication No. 2003/0174408 A1, hereinafter "Rostalski") in view of Casiday ("Water Hardness: Inorganic Reactions Experiment", hereinafter "Casiday"). This rejection is hereby respectfully traversed.

As argued above with respect to the Fukuda reference, independent claims 38 and 63 are amended and now recite elements not shown, taught or suggested by the relied upon references singly or the combination proposed by the Examiner. Accordingly, reconsideration and allowance are respectfully requested for the independent claims.

As for the dependent claims 40-47, 56, and 59, these claims depend from and incorporate the allowable elements of Claim 38. Accordingly, reconsideration and allowance are requested. Claims 64-66 and 74 depend from and incorporate the allowable elements of Claim 63. Accordingly, reconsideration and allowance are respectfully requested.

Claims 48, 49, 67, and 68 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Rostalski in view of Casiday and further in view of French (U.S. Patent Publication No. 2004/0175647, hereinafter "French"). This rejection is also hereby respectfully traversed.

French was cited by the Examiner as providing the specific claimed elements of these dependent claims, e.g., the material of the optical surface. However, claims 48 and 49 depend from Claim 38, which is now allowable over the combination of Rostalski and Casiday as argued above. Accordingly, these dependent claims incorporate the allowable element of the parent claim 38 and also allowable over that combination. The addition of French for the particular element cited in the dependent claims does not cure the deficiency in the original combination of references and thus the combination of the three references still fails to obviate the elements of these dependent claims. Accordingly, reconsideration and allowance are respectfully requested for these dependent claims. Similarly, claims 67 and 68 depend from and incorporate the elements of Claim 63, which is now allowable over the combination of Rostalski and Casiday as argued above. Accordingly, these dependent claims are also allowable over that combination. The addition of French for the particular element cited in these dependent claims does not cure the deficiency in the rejection and thus the combination of the three references still fails to obviate the elements of these dependent claims. Accordingly, reconsideration and allowance are respectfully requested for these dependent claims.

Claims 58, 60, 73, and 75 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Rostalski in view of Casiday as applied to claims 38, 40-47, 57, 59, 63-66, and 74 above, and further in view of Levinson (U.S. Patent Publication No. 2005/0037269, hereinafter “Levinson”). This rejection is also hereby respectfully traversed.

Levinson was cited by the Examiner for the elements of immersing the substrate and immersing the stage in the immersion fluid. However, without reaching whether the rejection would otherwise stand, Applicants respectfully point out that Levinson is not available prior art to the present application.

This application claims the priority benefit of a provisional application, Serial No. 60/494,154, filed August 11, 2003, which clearly discloses the claimed steps. Levinson's earliest priority date is August 11, 2003, and is therefore not prior to the applicants' invention date. Accordingly, claims 58, 60, 73 and 75 are believed to be allowable. Reconsideration and allowance are requested.

Further and as a separate and independent ground for allowance of these dependent claims, each of these claims depends from and incorporates an allowable parent claim, as argued above for claims 38 and 63. Accordingly, reconsideration and allowance is respectfully requested.

Claims 61 and 62 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Rostalski in view of Casiday as applied to claims 38, 40-47, 57, 59, 63-66 and 74 above, and further in view of Hirayama (U.S. Patent Publication No. 2006/0154188, hereinafter "Hirayama"). This rejection is hereby respectfully traversed.

Claim 61 has been cancelled and the limitation recited has been added to the independent claims, 38 and 63. Claim 62 is amended herein to depend from Claim 38.

The Examiner cites Hirayama for the recited claim elements of developing the photoresist and developing the photoresist in a solution of tetramethylammonia hydroxide. Without considering whether or not the rejection based on the proposed combination of references relied upon would otherwise stand, Applicants respectfully point out that the Hirayama reference is not available prior art to the present application. This application claims the priority benefit of a provisional application 60/494,154 filed August 11, 2003, which clearly discloses the claimed steps. Further this application claims the priority benefit of a provisional application serial no. 60/ 498,195 filed August 25, 2003. Hirayama's earliest priority date

appears to be March 4, 2004; and is therefore not prior to the applicants' invention date.

Accordingly, dependent claims 58, 60, 73 and 75 are believed to be allowable. Reconsideration and allowance are requested.

Claims 51-55 and 69-71 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Rostalski in view of Casiday and French as applied to claims 38, 40-47, 57, 59, 63-66 and 74 above, and further in view of Letz (U.S. Patent Publication No. 2005/0186513 hereinafter "Letz"). This rejection is also hereby respectfully traversed.

Letz is cited by the Examiner for the particular elements of the immersion fluid recited in these dependent claims. Without considering whether or not the rejection based on the proposed combination of references relied upon would otherwise stand, Applicants respectfully point out that the Letz reference is not available prior art to the present application. This application claims the priority benefit of a provisional application, Serial No. 60/494,154, filed August 11, 2003, which clearly discloses the claimed steps. Further, this application claims the priority benefit of a provisional application, Serial No. 60/498,195, filed August 25, 2003. Letz's earliest priority date appears to be February 24, 2004 and is therefore not prior to the applicants' invention date. Accordingly, dependent claims 51-55 and 69-71 are believed to be allowable. Reconsideration and allowance are requested.

As a further separate and independent ground for allowance of these dependent claims, each of these claims depends from and incorporates an allowable parent claim, as argued above for claims 38 and 63. Accordingly, reconsideration and allowance is respectfully requested.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Steven H. Slater, Applicant's Attorney, at 972-732-1001 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge, or credit any overpayment, Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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